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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	M09699
First Inventor	Bruestle, Claus
Title	Marine Propulsion Device With A Variable Air Intake System
Express Mail Label No.	

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 19]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 4]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*

i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

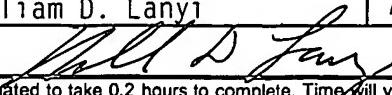
Prior application information:

Examiner: \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	<i>(Insert Customer No. or Attach bar code label here)</i>		or	<input checked="" type="checkbox"/> Correspondence address below
Name	William D. Lanyi, Esq.			
Address	Mercury Marine			
	W6250 Pioneer Road, P.O. Box 1939			
City	Fond du Lac	State	WI	Zip Code
Country	USA	Telephone	(920) 929-5419	Fax
Name (Print/Type)	William D. Lanyi	Registration No. (Attorney/Agent)	30,190	
Signature			Date	/0-31-03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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U.S. PTO

ATTORNEY'S DOCKET NO.: M09699

## PATENT APPLICATION TRANSMITTAL LETTER

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith for filing is the patent application of Claus Bruestlefor Marine Propulsion Device With A Variable Air Intake System 4 Sheets of drawing. an assignment of the invention to BRUNSWICK CORPORATION a certified copy of a \_\_\_\_\_ application. associate power of attorney.

## CLAIM AS FILED

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total claims -----	<u>20 - 31=</u>	<u>11</u>	<u>X \$18 =</u>	<u>\$198.00</u>
Independent claims -----	<u>3 - 3 =</u>	<u>0</u>	<u>X \$86 =</u>	<u>0.00</u>
Basic fee (minimum amount required) -----				<u>770.00</u>
If filing multiple dependent claims add \$280.00 -----				
Total Filing fee -----				<u>\$ 968.00</u>

- Please charge Deposit Account 13-2730 in the amount of \$ 968.00.  
A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge any additional fees or credit any overpayment under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 13-2730. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

10-31-03

date

Attorney of Record

William D. Lanyi

MERCURY MARINE, division of

Brunswick Corporation

W6250 Pioneer Road

P.O. Box 1939

Fond du Lac, WI 54936-1939

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Claus Bruestle
	Title	Marine Propulsion Device With A Variable Air Intake System
	Atty. Docket Number	M09699

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10-31-03

Date



Signature

William D. Lanyi

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**